



The Plaintiff has moved to strike the Defendants' Motion for Summary Judgment on the bases of untimeliness and improper form (Filing No. 29). The Defendants' response has been in the form of a second motion to amend the scheduling order to allow for the filing of their summary judgment motion, instant. The Court finds that the Defendants have failed to show good cause for their failure to file their motion for summary judgment on or before the August 29, 2008, deadline or to request an extension of that deadline prior to its expiration. For this reason, the Defendants' Motion for Summary Judgment, along with the supportive brief and index of evidence, will be stricken and the Court's scheduling order will not be further modified. Accordingly,

IT IS ORDERED:

1. The Plaintiff's Motion to Strike Motion for Summary Judgment (Filing No. 29) is granted;
2. The Clerk's Office shall strike the Defendants' Motion for Summary Judgment (Filing No. 26), Index of Evidence (Filing No. 27), and Brief (Filing No. 28);
3. The Defendants' Motion to Amend Scheduling Order (Filing No. 30) is denied; and
4. The Clerk's Office shall strike the Plaintiff's Objection to the Motion to Amend (Filing No. 31).

DATED this 23<sup>rd</sup> day of December, 2008.

BY THE COURT:

s/Laurie Smith Camp  
United States District Judge